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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,049	07/08/2003	Albert Myron Green	SAIC0029-CON1	7551
27510	7590	03/14/2006	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			SANTIAGO, MARICELI	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,049

Applicant(s)

GREEN ET AL.

Examiner

Mariceli Santiago

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-61 is/are pending in the application.
- 4a) Of the above claim(s) 58-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-38, 42-49 and 54-56 is/are rejected.
- 7) ☒ Claim(s) 3-41, 50-53 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/05, 2/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Amendment, filed on July 8, 2003, has been entered and acknowledged by the Examiner.

Cancellation of claims 1-35 has been entered.

Claims 36-61 are pending in the instant application.

Election/Restrictions

Applicant's election without traverse of Species I, claims 36-57 in the reply filed on December 2, 2002 is acknowledged.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 36-38, 42-49 and 54-56 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 7-14, 16 and 20 of U.S. Patent No. 6,612,889. Although the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons.

U.S. Application SN 10/614,049	U.S. Patent No. 6,612,889
Claim 36 recites a web fabrication process for manufacturing a plurality of light-emitting panels, the process comprising the steps of: providing a first substrate, disposing a plurality of micro-components on the first substrate, disposing a second substrate over the first substrate such that the plurality of micro components are sandwiched between the first substrate and the second substrate, and dicing the first substrate and the second substrate to form individual light-emitting panels.	Claim 1 claims substantially the same limitations as stated in claim 36, however it fails to claim the limitation of "each micro-component emitting light when exposed to a triggering voltage". One skilled in the art would reasonable contemplate providing a triggering voltage for each micro-component in order to obtain the desired light emission of each of the micro-component.
Claim 37 recites wherein the first substrate, the second substrate or the first substrate and the second substrate are provided as rolls of material.	Claim 2 claims substantially the same limitations as stated in claim 37.
Claim 38 recites wherein the first substrate comprises a plurality of sockets.	Claim 3 claims substantially the same limitations as stated in claim 38.
Claim 42 recites further comprising forming a plurality of sockets in the first substrate and wherein disposing the plurality of micro-components comprises disposing each micro-component at least partially within each socket.	Claim 7 claims substantially the same limitations as stated in claim 42.
Claim 43 recites wherein providing the first substrate comprises forming the first substrate with a plurality of material layers and forming the plurality of sockets comprises selectively removing portions of the material layers to form a plurality of cavities.	Claim 8 claims substantially the same limitations as stated in claim 43.

Claim 44 recites wherein forming the plurality of sockets comprises patterning the first substrate with a plurality of cavities.	Claim 9 claims substantially the same limitations as stated in claim 44.
Claim 45 recites further comprising disposing a material layer on the first substrate so that the material layer conforms to a shape of each socket and disposing at least one electrode between the first substrate and the material layer.	Claim 10 claims substantially the same limitations as stated in claim 45.
Claim 46 recites further comprising disposing a plurality of material layers on the first substrate so that the plurality of material layers conform to a shape of each socket and disposing at least one electrode within the plurality of material layers.	Claim 11 claims substantially the same limitations as stated in claim 46.
Claim 47 recites wherein providing the first substrate comprises forming the first substrate by disposing a plurality of material layers and forming the plurality of sockets comprises selectively removing portions of the material layers to form a plurality of cavities.	Claim 12 claims substantially the same limitations as stated in claim 47.
Claim 48 recites further comprising disposing an electrode on at least one of the first substrate and the second substrate.	Claim 13 claims substantially the same limitations as stated in claim 48.
Claim 49 recites wherein the electrode is disposed between two material layers of the plurality of material layers.	Claim 14 claims substantially the same limitations as stated in claim 49.
Claim 54 recites further comprising providing control electronics for the light-emitting panels.	Claim 16 claims substantially the same limitations as stated in claim 54.
Claim 55 recites wherein providing the first substrate, disposing the plurality of micro-components, disposing the second substrate, and dicing the first and second substrates is performed as a continuous high-speed inline process	Claim 20 claims substantially the same limitations as stated in claim 55.
Claim 56 recites wherein providing the second substrate comprises pulling a web of the second substrate off of a roll.	Claim 2 claims substantially the same limitations as stated in claim 56.

Allowable Subject Matter

Claims 39-41, 50-53 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 39, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 39, and specifically comprising the limitation disposing at least two electrodes by each of the micro-components.

Regarding claims 40-41, claims 40-41 are allowable for the reasons given in claim 39 because of their dependency status from claim 39.

Regarding claim 50, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 50, and specifically comprising the limitation of disposing an enhancement material near each socket.

Regarding claims 51-53 and 57, claims 51-53 and 57 are allowable for the reasons given in claim 50 because of their dependency status from claim 50.

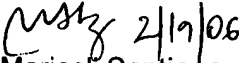
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/17/06
Mariceli Santiago
Primary Examiner
Art Unit 2879